

ADOPTION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill addresses adoptions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses Medicaid coverage and payments related to a birth mother who considers or proceeds with an adoptive placement for a child;
- ▶ prohibits a child-placing agency from charging for services that are not actually rendered or for medical or hospital expenses that were paid for with public funds;
- ▶ requires certain child-placing agencies to join a child-placing consortium by which the consortium can serve all birth mothers and all prospective adoptive parents;
- ▶ provides protections for consortium-member child-placing agencies that cannot participate in child placing that is contrary to the agency's religious teachings, practices, or beliefs, or certain wishes of the birth mother;
- ▶ requires the Judicial Council to create a uniform fee and expense form for adoption proceedings;
- ▶ with certain conditions and exceptions:
 - requires a prospective adoptive parent to file a fee and expense form with the court prior to the finalization of an adoption;
 - requires the court to review a fee and expense form for completeness;
 - requires a child placing agency to file a fee and expense form with the Office of Licensing within the Department of Health and Human Services; and

- 30 • requires the Department of Health and Human Services to provide an annual
- 31 report to the Health and Human Services Interim Committee and Judicial
- 32 Council regarding adoption costs in the state; and
- 33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **26-18-3**, as last amended by Laws of Utah 2021, Chapter 422

41 **62A-2-108.6**, as last amended by Laws of Utah 2022, Chapters 287, 326 and
42 renumbered and amended by Laws of Utah 2022, Chapter 334 and last amended by
43 Coordination Clause, Laws of Utah 2022, Chapter 334

44 **63G-20-102**, as enacted by Laws of Utah 2015, Chapter 46

45 **63G-20-202**, as enacted by Laws of Utah 2015, Chapter 46

46 **78B-6-140**, as last amended by Laws of Utah 2021, Chapter 65

47 ENACTS:

48 **63G-20-203.5**, Utah Code Annotated 1953



50 *Be it enacted by the Legislature of the state of Utah:*

51 Section 1. Section **26-18-3** is amended to read:

52 **26-18-3. Administration of Medicaid program by department -- Reporting to the**
53 **Legislature -- Disciplinary measures and sanctions -- Funds collected -- Eligibility**
54 **standards -- Internal audits -- Health opportunity accounts.**

55 (1) The department shall be the single state agency responsible for the administration
56 of the Medicaid program in connection with the United States Department of Health and
57 Human Services pursuant to Title XIX of the Social Security Act.

58 (2) (a) The department shall implement the Medicaid program through administrative
59 rules in conformity with this chapter, Title 63G, Chapter 3, Utah Administrative Rulemaking
60 Act, the requirements of Title XIX, and applicable federal regulations.

61 (b) The rules adopted under Subsection (2)(a) shall include, in addition to other rules
62 necessary to implement the program:

63 (i) the standards used by the department for determining eligibility for Medicaid
64 services;

65 (ii) the services and benefits to be covered by the Medicaid program;

66 (iii) reimbursement methodologies for providers under the Medicaid program; and

67 (iv) a requirement that:

68 (A) a person receiving Medicaid services shall participate in the electronic exchange of
69 clinical health records established in accordance with Section 26-1-37 unless the individual
70 opts out of participation;

71 (B) prior to enrollment in the electronic exchange of clinical health records the enrollee
72 shall receive notice of enrollment in the electronic exchange of clinical health records and the
73 right to opt out of participation at any time; and

74 (C) beginning July 1, 2012, when the program sends enrollment or renewal information
75 to the enrollee and when the enrollee logs onto the program's website, the enrollee shall receive
76 notice of the right to opt out of the electronic exchange of clinical health records.

77 (3) (a) The department shall, in accordance with Subsection (3)(b), report to the Social
78 Services Appropriations Subcommittee when the department:

79 (i) implements a change in the Medicaid State Plan;

80 (ii) initiates a new Medicaid waiver;

81 (iii) initiates an amendment to an existing Medicaid waiver;

82 (iv) applies for an extension of an application for a waiver or an existing Medicaid
83 waiver;

84 (v) applies for or receives approval for a change in any capitation rate within the
85 Medicaid program; or

86 (vi) initiates a rate change that requires public notice under state or federal law.

87 (b) The report required by Subsection (3)(a) shall:

88 (i) be submitted to the Social Services Appropriations Subcommittee prior to the
89 department implementing the proposed change; and

90 (ii) include:

91 (A) a description of the department's current practice or policy that the department is
92 proposing to change;

93 (B) an explanation of why the department is proposing the change;

94 (C) the proposed change in services or reimbursement, including a description of the
95 effect of the change;

96 (D) the effect of an increase or decrease in services or benefits on individuals and
97 families;

98 (E) the degree to which any proposed cut may result in cost-shifting to more expensive
99 services in health or human service programs; and

100 (F) the fiscal impact of the proposed change, including:

101 (I) the effect of the proposed change on current or future appropriations from the
102 Legislature to the department;

103 (II) the effect the proposed change may have on federal matching dollars received by
104 the state Medicaid program;

105 (III) any cost shifting or cost savings within the department's budget that may result
106 from the proposed change; and

107 (IV) identification of the funds that will be used for the proposed change, including any
108 transfer of funds within the department's budget.

109 (4) Any rules adopted by the department under Subsection (2) are subject to review and
110 reauthorization by the Legislature in accordance with Section [63G-3-502](#).

111 (5) The department may, in its discretion, contract with the Department of Human
112 Services or other qualified agencies for services in connection with the administration of the
113 Medicaid program, including:

- 114 (a) the determination of the eligibility of individuals for the program;
- 115 (b) recovery of overpayments; and
- 116 (c) consistent with Section 26-20-13, and to the extent permitted by law and quality
- 117 control services, enforcement of fraud and abuse laws.
- 118 (6) The department shall provide, by rule, disciplinary measures and sanctions for
- 119 Medicaid providers who fail to comply with the rules and procedures of the program, provided
- 120 that sanctions imposed administratively may not extend beyond:
 - 121 (a) termination from the program;
 - 122 (b) recovery of claim reimbursements incorrectly paid; and
 - 123 (c) those specified in Section 1919 of Title XIX of the federal Social Security Act.
- 124 (7) (a) Funds collected as a result of a sanction imposed under Section 1919 of Title
- 125 XIX of the federal Social Security Act shall be deposited in the General Fund as dedicated
- 126 credits to be used by the division in accordance with the requirements of Section 1919 of Title
- 127 XIX of the federal Social Security Act.
 - 128 (b) In accordance with Section 63J-1-602.2, sanctions collected under this Subsection
 - 129 (7) are nonlapsing.
 - 130 (8) (a) In determining whether an applicant or recipient is eligible for a service or
 - 131 benefit under this part or Chapter 40, Utah Children's Health Insurance Act, the department
 - 132 shall, if Subsection (8)(b) is satisfied, exclude from consideration one passenger vehicle
 - 133 designated by the applicant or recipient.
 - 134 (b) Before Subsection (8)(a) may be applied:
 - 135 (i) the federal government shall:
 - 136 (A) determine that Subsection (8)(a) may be implemented within the state's existing
 - 137 public assistance-related waivers as of January 1, 1999;
 - 138 (B) extend a waiver to the state permitting the implementation of Subsection (8)(a); or
 - 139 (C) determine that the state's waivers that permit dual eligibility determinations for
 - 140 cash assistance and Medicaid are no longer valid; and
 - 141 (ii) the department shall determine that Subsection (8)(a) can be implemented within

142 existing funding.

143 (9) (a) For purposes of this Subsection (9):

144 (i) "aged, blind, or has a disability" means an aged, blind, or disabled individual, as
145 defined in 42 U.S.C. Sec. 1382c(a)(1); and

146 (ii) "spend down" means an amount of income in excess of the allowable income
147 standard that shall be paid in cash to the department or incurred through the medical services
148 not paid by Medicaid.

149 (b) In determining whether an applicant or recipient who is aged, blind, or has a
150 disability is eligible for a service or benefit under this chapter, the department shall use 100%
151 of the federal poverty level as:

152 (i) the allowable income standard for eligibility for services or benefits; and

153 (ii) the allowable income standard for eligibility as a result of spend down.

154 (10) The department shall conduct internal audits of the Medicaid program.

155 (11) (a) The department may apply for and, if approved, implement a demonstration
156 program for health opportunity accounts, as provided for in 42 U.S.C. Sec. 1396u-8.

157 (b) A health opportunity account established under Subsection (11)(a) shall be an
158 alternative to the existing benefits received by an individual eligible to receive Medicaid under
159 this chapter.

160 (c) Subsection (11)(a) is not intended to expand the coverage of the Medicaid program.

161 (12) (a) (i) The department shall apply for, and if approved, implement an amendment
162 to the state plan under this Subsection (12) for benefits for:

163 (A) medically needy pregnant women;

164 (B) medically needy children; and

165 (C) medically needy parents and caretaker relatives.

166 (ii) The department may implement the eligibility standards of Subsection (12)(b) for
167 eligibility determinations made on or after the date of the approval of the amendment to the
168 state plan.

169 (b) In determining whether an applicant is eligible for benefits described in Subsection

170 (12)(a)(i), the department shall:

171 (i) disregard resources held in an account in the savings plan created under Title 53B,
172 Chapter 8a, Utah Educational Savings Plan, if the beneficiary of the account is:

173 (A) under the age of 26; and

174 (B) living with the account owner, as that term is defined in Section 53B-8a-102, or
175 temporarily absent from the residence of the account owner; and

176 (ii) include the withdrawals from an account in the Utah Educational Savings Plan as
177 resources for a benefit determination, if the withdrawal was not used for qualified higher
178 education costs as that term is defined in Section 53B-8a-102.5.

179 (13) (a) The department may not deny or terminate eligibility for Medicaid solely
180 because an individual is:

181 (i) incarcerated; and

182 (ii) not an inmate as defined in Section 64-13-1.

183 (b) Subsection (13)(a) does not require the Medicaid program to provide coverage for
184 any services for an individual while the individual is incarcerated.

185 (14) The department is a party to, and may intervene at any time in, any judicial or
186 administrative action:

187 (a) to which the Department of Workforce Services is a party; and

188 (b) that involves medical assistance under:

189 (i) Title 26, Chapter 18, Medical Assistance Act; or

190 (ii) Title 26, Chapter 40, Utah Children's Health Insurance Act.

191 (15) (a) The department may not deny or terminate eligibility for Medicaid solely
192 because a birth mother, as that term is defined in Section 78B-6-103, considers an adoptive
193 placement for the child or proceeds with an adoptive placement of the child.

194 (b) A health care provider, as that term is defined in Section 26-18-17, may not decline
195 payment by Medicaid for covered health and medical services provided to a birth mother, as
196 that term is defined in Section 78B-6-103, who is enrolled in Utah's Medicaid program and
197 who considers an adoptive placement for the child or proceeds with an adoptive placement of

198 the child.

199 Section 2. Section **62A-2-108.6** is amended to read:

200 **62A-2-108.6. Child placing licensure requirements -- Prohibited acts --**

201 **Consortium.**

202 (1) As used in this section:

203 (a) (i) "Advertisement" means any written, oral, or graphic statement or representation
204 made in connection with a solicitation of business.

205 (ii) "Advertisement" includes a statement or representation described in Subsection
206 (1)(a)(i) by a noncable television system, radio, printed brochure, newspaper, leaflet, flyer,
207 circular, billboard, banner, Internet website, social media, or sign.

208 (b) "Birth parent" means the same as that term is defined in Section **78B-6-103**.

209 (c) "Clearly and conspicuously disclose" means the same as that term is defined in
210 Section **13-11a-2**.

211 (d) (i) "Matching advertisement" means any written, oral, or graphic statement or
212 representation made in connection with a solicitation of business to provide the assistance
213 described in Subsection (3)(a)(i), regardless of whether there is or will be an exchange
214 described in Subsection (3)(a)(ii).

215 (ii) "Matching advertisement" includes a statement or representation described in
216 Subsection (1)(d)(i) by a noncable television system, radio, printed brochure, newspaper,
217 leaflet, flyer, circular, billboard, banner, Internet website, social media, or sign.

218 (2) (a) Subject to Section **78B-24-205**, a person may not engage in child placing, or
219 solicit money or other assistance for child placing, without a valid license issued by the office
220 in accordance with this chapter.

221 (b) If a child-placing agency's license is suspended or revoked in accordance with this
222 chapter, the care, control, or custody of any child who is in the care, control, or custody of the
223 child-placing agency shall be transferred to the Division of Child and Family Services.

224 (3) (a) (i) An attorney, physician, or other person may assist:

225 (A) a birth parent to identify or locate a prospective adoptive parent who is interested

226 in adopting the birth parent's child; or
227 (B) a prospective adoptive parent to identify or locate a child to be adopted.
228 (ii) A payment, charge, fee, reimbursement of expense, or exchange of value of any
229 kind, or promise or agreement to make the same, may not be made for the assistance described
230 in Subsection (3)(a)(i).
231 (b) An attorney, physician, or other person may not:
232 (i) issue or cause to be issued to any person a card, sign, or device indicating that the
233 attorney, physician, or other person is available to provide the assistance described in
234 Subsection (3)(a)(i);
235 (ii) cause, permit, or allow any sign or marking indicating that the attorney, physician,
236 or other person is available to provide the assistance described in Subsection (3)(a)(i), on or in
237 any building or structure;
238 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,
239 physician, or other person is available to provide the assistance described in Subsection
240 (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or television, or an Internet
241 website relating to a business;
242 (iv) announce, cause, permit, or allow a matching advertisement; or
243 (v) announce, cause, permit, or allow an advertisement that indicates or implies the
244 attorney, physician, or other person is available to provide the assistance described in
245 Subsection (3)(a)(i) as part of, or related to, other adoption-related services by using any of the
246 following terms:
247 (A) "comprehensive";
248 (B) "complete";
249 (C) "one-stop";
250 (D) "all-inclusive"; or
251 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A) through
252 (D).
253 (c) An attorney, physician, or other person who is not licensed by the office shall

254 clearly and conspicuously disclose in any print media advertisement or written contract
255 regarding adoption services or adoption-related services that the attorney, physician, or other
256 person is not licensed to provide adoption services by the office.

257 (4) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of
258 a third degree felony.

259 (5) This section does not preclude payment of fees for medical, legal, or other lawful
260 services rendered in connection with the care of a mother, delivery and care of a child, or
261 lawful adoption proceedings, except that a child-placing agency may not:

262 (a) charge or accept payment for services that were not actually rendered; or

263 (b) charge or accept payment from a prospective adoptive parent for medical or
264 hospital expenses that were paid for by public funds.

265 (6) In accordance with federal law, only an agent or employee of the Division of Child
266 and Family Services or of a licensed child-placing agency may certify to United States
267 Citizenship and Immigration Services that a family meets the preadoption requirements of the
268 Division of Child and Family Services.

269 (7) A licensed child-placing agency or an attorney practicing in this state may not place
270 a child for adoption, either temporarily or permanently, with an individual who would not be
271 qualified for adoptive placement under Sections 78B-6-102, 78B-6-117, and 78B-6-137.

272 (8) (a) A child-placing agency, as that term is defined in Section 63G-20-102, that
273 serves a resident of the state who is a birth mother or a prospective adoptive parent must be a
274 member of a statewide consortium of licensed child-placing agencies that, together, serve all
275 birth mothers lawfully seeking to place a child for adoption and all qualified prospective
276 adoptive parents.

277 (b) The department shall receive and investigate any complaint against a consortium of
278 licensed child-placing agencies.

279 Section 3. Section 63G-20-102 is amended to read:

280 **63G-20-102. Definitions.**

281 As used in this chapter:

282 (1) "Child placing" means the same as that term is defined in Section 62A-2-101.

283 (2) "Child-placing agency" means a private person that is engaged in child placing
284 related to a child who is not in the custody of the state.

285 (3) "Government retaliation" means an action by a state or local government or an
286 action by a state or local government official that:

287 (a) is taken in response to a person's exercise of a protection contained in Section
288 17-20-4, 63G-20-201, 63G-20-203.5, or 63G-20-301; and

289 (b) (i) imposes a formal penalty on, fines, disciplines, discriminates against, denies the
290 rights of, denies benefits to, or denies tax-exempt status to a person; or

291 (ii) subjects a person to an injunction or to an administrative claim or proceeding.

292 [~~2~~] (4) (a) "Religious official" means an officer or official of a religion, when acting
293 as such.

294 (b) "Religious official" includes an individual designated by the religion as clergy,
295 minister, priest, pastor, rabbi, imam, bishop, stake president, or sealer, when that individual is
296 acting as such.

297 [~~3~~] (5) "Religious organization" means:

298 (a) a religious organization, association, educational institution, or society;

299 (b) a religious corporation sole; or

300 (c) any corporation or association constituting a wholly owned subsidiary, affiliate, or
301 agency of any religious organization, association, educational institution, society, or religious
302 corporation sole.

303 [~~4~~] (6) "Sexuality" includes legal sexual conduct, legal sexual expression, sexual
304 desires, and the status of a person as male or female.

305 [~~5~~] (7) "State or local government" means:

306 (a) a state government entity, agency, or instrumentality; or

307 (b) a local government entity, agency, or instrumentality.

308 [~~6~~] (8) "State or local government official" means an officer, employee, or appointee
309 of a state or local government.

310 Section 4. Section **63G-20-202** is amended to read:

311 **63G-20-202. Prohibition on government retaliation.**

312 Notwithstanding any other law, a state or local government or a state or local
313 government official may not engage in government retaliation against:

314 (1) an individual, a religious official when acting as such, or a religious organization
315 for exercising the protections contained in Section [17-20-4](#), [63G-20-201](#), or [63G-20-301](#)~~[-]~~; or

316 (2) a child-placing agency for exercising the protections contained in Section
317 [63G-20-203.5](#).

318 Section 5. Section **63G-20-203.5** is enacted to read:

319 **63G-20-203.5. Child-placing agencies.**

320 (1) As used in this section, "consortium" means a statewide consortium of
321 child-placing agencies described in Subsection [62A-2-108.6\(8\)](#).

322 (2) Notwithstanding any other provision of law, a state or local government, a state or
323 local government official, or another accrediting, certifying, or licensing body, including the
324 Office of Licensing within the Department of Health and Human Services, may not:

325 (a) require a consortium-member child-placing agency to perform, assist, counsel,
326 recommend, consent to, facilitate, or participate in child placing, with a qualified prospective
327 adoptive parent, that is contrary to the child-placing agency's religious teaching, practices, or
328 sincerely held beliefs, or the good faith wishes of the birth mother as to the optimal placement
329 of the child;

330 (b) deny a consortium-member child-placing agency any grant, contract, or
331 participation in a government program because the child-placing agency cannot, consistent
332 with the child-placing agency's religious teaching, practices, or sincerely held beliefs, or
333 consistent with the good faith wishes of the birth mother as to the optimal placement of the
334 child, perform, assist, counsel, recommend, consent to, facilitate, or participate in a child
335 placement with a qualified prospective adoptive parent; or

336 (c) deny an application for an initial license or accreditation, deny the renewal of a
337 license or accreditation, or revoke the license or accreditation of a consortium-member

338 child-placing agency that cannot, consistent with the child-placing agency's religious teaching,
339 practices, or sincerely held beliefs, or consistent with the good faith wishes of the birth mother
340 as to the optimal placement of the child, perform, assist, counsel, recommend, consent to,
341 facilitate, or participate in a child placement with a qualified prospective adoptive parent.

342 (3) (a) A consortium-member child-placing agency that cannot, consistent with the
343 child-placing agency's religious teaching, practices, or sincerely held beliefs, or consistent with
344 the good faith wishes of the birth mother as to the optimal placement of the child, perform,
345 assist, counsel, recommend, consent to, facilitate, or participate in a child placement with a
346 qualified prospective adoptive parent, shall refer the individual who is seeking child-placement
347 services to another child-placing agency in the consortium.

348 (b) A referral by a child-placing agency under Subsection (3)(a) does not constitute a
349 determination that a proposed placement is not in the best interest of the child.

350 (4) The fact that a consortium-member child-placing agency cannot, consistent with the
351 child-placing agency's religious teaching, practices, or sincerely held beliefs, or consistent with
352 the good faith wishes of the birth mother as to the optimal placement of the child, perform,
353 assist, counsel, recommend, consent to, facilitate, or participate in a child placement with a
354 qualified prospective adoptive parent, may not form the basis for:

355 (a) the imposition of a civil fine or other adverse administrative action; or

356 (b) any claim or cause of action under any state or local law.

357 Section 6. Section **78B-6-140** is amended to read:

358 **78B-6-140. Itemization of fees and expenses -- Reporting.**

359 (1) ~~(a)~~ Except as provided in Subsection ~~[(4)]~~ (5), before the date that a final decree of
360 adoption is entered, a prospective adoptive parent or, if the child was placed by a child-placing
361 agency, the person or agency placing the child shall file with the court an affidavit regarding
362 fees and expenses~~[, signed by the prospective adoptive parent or parents and the person or~~
363 ~~agency placing the child, shall be filed with the court]~~ on a form prescribed by the Judicial
364 Council in accordance with Subsection (2).

365 (b) An affidavit filed pursuant to Subsection (1)(a) shall be signed by each prospective

366 adoptive parent and, if the child was placed by a child-placing agency, the person or agency
367 placing the child.

368 (c) The court shall review an affidavit filed under this section for completeness and
369 compliance with the requirements of this section.

370 (d) The results of the court's review under Subsection (1)(c) shall be noted in the
371 court's record.

372 (2) (a) The Judicial Council shall prescribe a uniform form for the affidavit described
373 in Subsection (1).

374 (b) The uniform affidavit form shall [itemize] require itemization of the following
375 items in connection with the adoption:

376 ~~[(a)]~~ (i) all legal expenses~~[, maternity expenses, medical or hospital expenses, and~~
377 ~~living expenses]~~ that have been or will be paid to or on behalf of the preexisting parents of the
378 child, including the source of payment;

379 (ii) all maternity expenses that have been or will be paid to or on behalf of the
380 preexisting parents of the child, including the source of payment;

381 (iii) all medical or hospital expenses that have been or will be paid to or on behalf of
382 the preexisting parents of the child, including the source of payment;

383 (iv) all living expenses that have been or will be paid to or on behalf of the preexisting
384 parents of the child, including the source of payment;

385 ~~[(b)]~~ (v) fees paid by the prospective adoptive parent or parents in connection with the
386 adoption;

387 ~~[(c)]~~ (vi) all gifts, property, or other items that have been or will be provided to the
388 preexisting parents, including the source and approximate value of the gifts, property, or other
389 items;

390 ~~[(d)]~~ (vii) all public funds used for any medical or hospital costs in connection with
391 the:

392 ~~[(i)]~~ (A) pregnancy;

393 ~~[(ii)]~~ (B) delivery of the child; or

394 ~~[(iii)]~~ (C) care of the child; and
395 ~~[(e) the state of residence of the:]~~
396 ~~[(i) birth mother or the preexisting parents; and]~~
397 ~~[(ii) prospective adoptive parent or parents;]~~
398 ~~[(f)]~~ (viii) if a child-placing agency placed the child:
399 (A) a description of services provided to the prospective adoptive parents or
400 preexisting parents in connection with the adoption; ~~[and]~~
401 (B) all expenses associated with matching the prospective adoptive parent or parents
402 and the birth mother;
403 (C) all expenses associated with advertising; and
404 (D) any other agency fees or expenses paid by an adoptive parent that are not itemized
405 under one of the other categories described in this Subsection (2)(b), including a description of
406 the reason for the fee or expense.
407 ~~[(g) that Section 76-7-203 has not been violated:]~~
408 (c) The uniform affidavit form shall require:
409 (i) a statement of the state of residence of the:
410 (A) birth mother or the preexisting parents; and
411 (B) prospective adoptive parent or parents;
412 (ii) a declaration that Section 76-7-203 has not been violated; and
413 (iii) if the affidavit includes an itemized amount for both of the categories described in
414 Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or hospital
415 expenses were paid by a source other than public funds.
416 (3) (a) If a child-placing agency, that is licensed by this state, placed the child, the
417 child-placing agency shall provide a copy of the affidavit described in Subsection (1) ~~[shall be~~
418 ~~provided]~~ to the Office of Licensing within the Department of Health and Human Services.
419 (b) Before August 30 of each year, the Office of Licensing within the Department of
420 Health and Human Services shall provide a written report to the Health and Human Services
421 Interim Committee and to the Judicial Council regarding the cost of adoptions in the state that

422 includes:

423 (i) the total number of affidavits provided to the Office of Licensing during the
424 previous year; and

425 (ii) for each of the categories described in Subsection (2)(b):

426 (A) the average amount disclosed on affidavits submitted during the previous year; and

427 (B) the range of amounts disclosed on affidavits submitted during the previous year;

428 (iii) the average total amount disclosed on affidavits submitted during the previous
429 year;

430 (iv) the range of total amounts disclosed on affidavits submitted during the previous
431 year; and

432 (v) any recommended legislation that may help reduce the cost of adoptions.

433 (c) The Health and Human Services Interim Committee shall, based on information in
434 reports provided under Subsection (3)(b) and in consultation with a consortium described in
435 Subsection [62A-2-108.6\(8\)](#), consider:

436 (i) what constitutes reasonable fees and expenses related to adoption; and

437 (ii) the standards that may be used to determine whether fees and expenses related to
438 adoption are reasonable in a specific case.

439 (4) The Judicial Council shall make a copy of each report provided by the Office of
440 Licensing under Subsection (3)(b) available to each court that may be required to review an
441 affidavit under Subsection (1)(c).

442 [~~4~~] (5) This section does not apply if the prospective adoptive parent is the legal
443 spouse of a preexisting parent.